



BUSINESS SERVICES DIVISION

Pomona Unified School District

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August 1, 2008

Dean C. Logan
Los Angeles County Registrar of Voters
12400 Imperial Highway
Norwalk, California 90504

Re: Pomona Unified School District
General Obligation Bond Election, November 4, 2008

Dear Mr. Logan:

Enclosed is a signed copy of a resolution adopted by the Board of Trustees of the Pomona Unified School District ordering a general obligation bond election for November 4, 2008. This election is being ordered under Proposition 39 and requires a 55% vote for passage.

In order to comply with Proposition 39 and related statutes the Board has adopted a full ballot text to be printed in the ballot pamphlet and an abbreviated form of measure (Appendix A to the Resolution).

The Board of Trustees has requested consolidation of this election with others occurring on the same day and we are submitting a copy of the resolution to the Clerk of the Board of Supervisors.

Sincerely,

Pamela J. Lopez
Assistant Superintendent/Chief Financial Officer
Business Services Division

cc: County Superintendent of Schools
Clerk of the Board of Supervisors
PUSD Board of Education
Dr. Thelma Melendez, Superintendent of Schools

RESOLUTION NO. 04(2008-09)

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE POMONA
UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION TO
AUTHORIZE THE ISSUANCE OF SCHOOL BONDS,
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER,
AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS
OCCURRING ON NOVEMBER 4, 2008**

WHEREAS, in the judgment of the Board of Trustees (the "Board") of the Pomona Unified School District (the "District"), it is advisable to call an election to submit to the electors of the District the question whether bonds of the District shall be issued and sold for the purpose of raising money for improvement of real property and the furnishing, building and equipping of school facilities of the District; and

WHEREAS, the Board is authorized to pursue the authorization and issuance of bonds by a 55% vote of the electorate on the question whether bonds of the District shall be issued and sold for specified purposes, under Article XIII A Section 1 paragraph (b) of the California Constitution ("Article XIII A") and under Education Code Section 15264 *et seq.* (the "Act"); and

WHEREAS, under Section 10403 *et seq.* of the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, November 4, 2008, and to request the Los Angeles County Registrar of Voters to perform certain election services for the District;

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE POMONA UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Call for Election. The Board hereby orders an election and submits to the electors of the District the question of whether general obligation bonds of the District shall be issued and sold in the maximum principal amount of \$235 million for the purpose of raising money to finance school facilities and equipment of the District, and paying costs incident thereto, as set forth more fully in the ballot measure approved under Section 3. This Resolution constitutes the order of the District to call such election.

Section 2. Election Date. The date of the election shall be November 4, 2008, and the election shall be held solely within the boundaries of the District.

Section 3. Purpose of Election; Ballot Measure. The purpose of the election shall be for the voters in the District to vote on a measure, a full copy of which is attached hereto as Appendix A, containing the question of whether the District shall issue the Bonds for the purposes stated therein, together with the accountability requirements of Article XIII A and the requirements of Section 15272 of the Act. As required by Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto as Appendix B. The Superintendent is hereby authorized and directed to make any changes to the text of the measure as required to

conform to any requirements of Article XIII A, the Act or the Los Angeles County Registrar of Voters.

Section 4. Authority for Election. The authority for ordering the election is contained in Section 15264 *et. seq.* of the Education Code and Section I paragraph (b) subsection (3) of Article XIII A. The authority for the specification of this election order is contained in Section 5322 of the Education Code.

Section 5. School Facilities Projects. As required by Article XIII A, the Board hereby certifies that it has evaluated safety, class size and information technology needs in developing the list of school facilities projects set forth in Appendix A.

Section 6. Covenants of the Board upon Approval of the Bonds by the Electorate. As required by Article XIII and Section 15278 of the Act, in the event 55 percent or more of the voters voting in the District approve of the Bonds, the Board shall:

- (a) Conduct an annual, independent performance audit to ensure that the funds have been expended only on the projects listed in Appendix A;
- (b) Conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of those proceeds have been expended for the school facilities projects listed in Appendix A; and
- (c) Establish and appoint members to an independent citizens' oversight committee in accordance with Sections 15278, 15280, and 15282 of the Act.

Section 7. Delivery of this Resolution. The Clerk of the Board is hereby directed to send a copy of this Resolution to the Los Angeles County Superintendent of Schools, the Los Angeles County Registrar of Voters (the "County Registrar") and the Los Angeles County Clerk of the Board of Supervisors. The County Registrar is hereby requested to print the full text of the ballot measure in the ballot materials and to publish the Notice of School Bond Election in a newspaper of general circulation within the District.

Section 8. State Matching Funds. The District hereby requests that the County Registrar include the following statement in the ballot pamphlet, pursuant to Section 15122.5 of the Education Code:

"Approval of Measure ____ does not guarantee that the proposed project or projects in the Pomona Unified School District that are the subject of bonds under Measure ____ will be funded beyond the local revenues generated by Measure _____. The District's proposal for the project or projects may assume the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure."

Section 9. Consolidation of Election; Request to Provide Services. The County Registrar and the Los Angeles County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 4, 2008, within the District. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Los Angeles County is requested to permit the County Registrar to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Los Angeles County in full upon presentation of a bill, such services to include the publication of a formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code).

Section 10. Ballot Arguments; Tax Rate Statement. Any and all members of this Board are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. The President of the Board, the Superintendent, the Assistant Superintendent, Chief Financial Officer or any designee of the foregoing, are hereby authorized to execute any Tax Rate Statement or other document and to perform all acts necessary to place the bond measure on the ballot.

Section 11. Accountability Measures. As required by Section 53410 of the Government Code, a statement in substantially the following form shall be included on the ballot for the Bonds, and the Board covenants to comply with the reporting requirements contained in Section 53411 of the Government Code:

Accountability Measures

As required by Section 53410 of the Government Code, the following accountability measures are hereby made a part of the District's Bond Measure __ (the "Measure"):

- (a) The specific purpose of the bonds is set forth in the Full Text of the Measure;
- (b) The proceeds from the sale of the District's bonds will be used only for the purposes specified in the Measure, and not for any other purpose;
- (c) The proceeds of the Bonds will be deposited into a Building Fund to be held by the Los Angeles County Treasurer, as required by the California Education Code; and
- (d) The Superintendent of the District shall cause an annual report to be filed with the Board of Trustees of the District not later than January 1 of each year, which report shall contain pertinent information regarding the amount of funds collected and expended, as well as the status of the projects listed in the Measure, as required by Sections 53410 and 53411 of the Government Code.

Section 12. Maturity Limit of Bonds. The Bonds may be issued in series by the District from time to time, and each series of Bonds shall mature not more than 40 years from the date of issuance thereof. The Bonds shall be issued under the Act,

under the provisions of Section 53506 of the California Government Code, or under any other provision of law authorizing the issuance of general obligation bonds by school districts.

Section 13. Engagement of Professional Services. The Board hereby approves the engagement of the firm of Jones Hall, A Professional Law Corporation, to serve as bond counsel to the District, and the firm of Dale Scott & Company Inc. to act as financial advisor to the District, in connection with the election proceedings and the issuance of the Bonds. Fees payable to such firm shall be contingent upon the successful passage of the bond measure and the issuance and sale of the Bonds. The Assistant Superintendent, Chief Financial Officer is hereby authorized and directed to execute the agreement between said firm and the District, in the form on file with the Assistant Superintendent, Chief Financial Officer.

Section 14. Effective Date. This resolution shall take effect on and after its adoption.

The foregoing Resolution was adopted by the Board of Trustees of the Pomona Unified School District of Los Angeles County, being the Board authorized by law to make the designations therein contained by the following vote, on July 31, 2008.

Ayes:	<u>3</u>
Noes:	<u>1</u>
Absent:	<u>0</u>



Clerk of the Board of Trustees
of the Pomona Unified School District

APPENDIX A
BALLOT MEASURE
FULL TEXT

“To repair old plumbing, heating, ventilation, and air conditioning systems; provide academic academies and magnet schools; upgrade technology; improve access to computers; expand science labs; renovate and construct classrooms and educational facilities; and make the District eligible to receive an estimated \$47.5 million in State matching grants, shall Pomona Unified School District issue \$235 million of bonds at lowest possible interest rates, with no money for administrative salaries, and spending annually reviewed by an independent oversight committee?”

Bonds—Yes

Bonds—No

BOND AUTHORIZATION

By approval of this measure by at least 55 percent of the registered voters voting on the measure, the District will be authorized to issue and sell bonds of up to \$235 million in aggregated principal at interest rates below the legal limit and to provide financing for the specific school facilities projects listed in the Bond Project List described below, subject to all the accountability requirements specified below.

ACCOUNTABILITY REQUIREMENTS

The provisions in this section are specifically included in this measure in order that the voters and taxpayers in the District may be assured that their money will be spent wisely. Expenditures to address specific facilities needs of the District will be in compliance with the requirements of Article XIII A, Section 1(b)(3), of the State Constitution and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Education Code Sections 15264 and following.)

Evaluation of Needs. The School Board has identified detailed facilities needs of the District and has determined which projects to finance from a local bond at this time. The School Board hereby certifies that it has evaluated safety, class size reduction, enrollment growth, and information technology needs in developing the Bond Project List shown below.

Independent Citizens' Oversight Committee. The School Board shall establish an Independent Citizens' Oversight Committee under Education Code Section 15278 and following to ensure bond proceeds are expended only on the school facilities projects listed below. The committee will be established within 60 days of the date when the results of the election appear in the minutes of the School Board.

Performance Audits. The School Board shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed below.

Financial Audits. The School Board shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed below.

FURTHER SPECIFICATIONS

No Administrator Salaries. Proceeds from the sale of bonds authorized by this measure shall be used only for the construction, reconstruction and/or rehabilitation of school facilities including the furnishing and equipping of school facilities or acquisition or lease of real property for school facilities and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

BOND PROJECT LIST

The Bond Project List shown below is a part of the ballot measure and must be reproduced in any official document required to contain the full statement of the bond measure.

Evaluation of Needs. As required by Article XIII A of the California Constitution, the Board of Trustees of the District has certified that it has evaluated safety, class size reduction and information technology needs in developing the list of school facilities projects shown below.

Projects Subject to Available Funding. The following list of projects is subject to the availability of adequate funding to the District. Approval of the bond measure does not guarantee that the proposed projects in the District that are the subject of bonds under the measure will be funded beyond the local revenues generated by the bond measure. The District's proposal for the projects may assume the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.

Scope of Projects. Bond proceeds will be expended to modernize, replace, renovate, construct, equip, furnish, rebuild and otherwise improve District facilities as described below. The specific school facilities projects which are described below include all related and incidental costs, including costs of design, engineering, architect and other professional services, site preparation, utilities, landscaping and other incidental costs, and construction management. Bond proceeds may also be expended to acquire and install furniture, fixtures and equipment at any classrooms and other facilities of the District. The District may alter the scope and nature of any of the specific projects, which are described below as required by conditions that arise during the course of

design and construction, including unforeseen conditions such as dry rot, mold and faulty engineering.

RENOVATION, MODERNIZATION, REPAIR AND CONSTRUCTION OF SCHOOLS FACILITIES

Bond proceeds will be expended to modernize, replace, renovate, construct, acquire, equip, rebuild and furnish the District's classrooms, restrooms, and other educational and joint-use facilities throughout the District including:

Elementary Schools

Alcott, Allison, Armstrong, Arroyo, Barfield, Cortez, Decker, Diamond Point, Golden Springs, Harrison, Kellogg, Kingsley, Lexington, Lincoln, Lopez, Madison, Mendoza, Montvue, Pantera, Philadelphia, Pueblo, Ranch Hills, Roosevelt, San Antonio, San Jose, Vejar, Washington, Westmont, and Yorba

Middle Schools

Emerson, Fremont, Lorbeer, Marshall, Palomares, and Simons

High Schools

Diamond Ranch, Ganesha, Garey, Pomona, Park West, Pomona Alternative, School of Extended Educational Options, and Village Academy

Whenever specific items are included in the following list, they are presented to provide an example and are not intended to limit the generality of the broader description of authorized projects.

- Upgrade outdated heating, ventilation, and air-conditioning systems to improve energy efficiency
- Establish academies, at new or existing school campuses, for specialized programs such as Technology and Science, Engineering and Construction, Performing Arts and Languages, and Health and Human Services
- Repair and replace old and deteriorating plumbing and sewer systems
- Renovate and expand the schools' libraries
- Improve the District's technology infrastructure and make electrical upgrades to provide students throughout the District with increased access to computers and computer labs
- Renovate and expand the schools' science labs
- Make handicap accessibility (ADA) upgrades and improvements throughout the District, including restrooms, classrooms, and playgrounds
- Improve student safety by installing additional lighting, fencing, and security equipment throughout the District
- Renovate and repair outdated restrooms
- Upgrade old playgrounds and equipment at the elementary schools
- Restore the athletic fields at the middle schools and high schools

- Update and improve the exterior look of the aging schools and make landscaping and infrastructure improvements, including new paint, gates, marquees, etc.
- Modernize existing or provide new theaters and auditoriums throughout the high schools
- Install swimming pools at the comprehensive high schools
- Upgrade school facilities to establish magnet schools, that would offer specialized courses in academics or technical and vocational courses
- Construct new school facilities, including classrooms, furniture, and equipment to relieve student overcrowding
- Reconfigure school campuses to create small learning centers within an existing school site
- Construct permanent school facilities, including additional classrooms, cafeteria/multi-purpose room, administration building, furniture and equipment at Lopez Elementary School
- Increase student safety and reduce traffic congestion by improving access to the schools' pick-up and drop-off areas and adding additional parking
- Replace old windows with new energy efficient windows

APPENDIX B

BALLOT MEASURE ABBREVIATED FORM

“To repair old plumbing, heating, ventilation, and air conditioning systems; provide academic academies and magnet schools; upgrade technology; improve access to computers; expand science labs; renovate and construct classrooms and educational facilities; and make the District eligible to receive an estimated \$47.5 million in State matching grants, shall Pomona Unified School District issue \$235 million of bonds at lowest possible interest rates, with no money for administrative salaries, and spending annually reviewed by an independent oversight committee?”

Bonds—Yes

Bonds—No

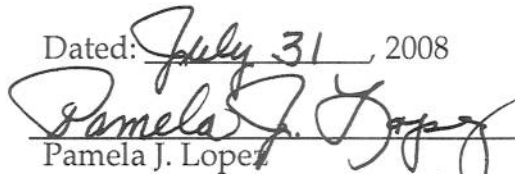
Pomona Unified School District
Tax Rate Statement for
Bond Measure __ Election to be held November 4, 2008

An election will be held in Pomona Unified School District (the "District") on November 4, 2008 to authorize the sale of \$235,000,000 in general obligation bonds. The following information is submitted in compliance with Sections 9400-9404 of the California Elections Code.

1. The best estimate of the tax rate that would be required to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$.06000 per \$100 (\$60.00 per \$100,000) of assessed valuation in fiscal year 2009-10.
2. The best estimate of the tax rate that would be required to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$.06000 per \$100 (\$60.00 per \$100,000) of assessed valuation in fiscal year 2015-16.
3. The best estimate of the highest tax rate that would be required to fund this bond issue, based on estimated assessed valuations available at the time of filing this statement, is \$.06000 per \$100 (\$60.00 per \$100,000) of assessed valuation.

These estimates are based on projections derived from information obtained from official sources. The actual tax rates and the years in which they will apply may vary depending on the timing of bond sales, the amount of bonds sold at each sale and actual increases in assessed valuations. The timing of the bond sales and the amount of bonds sold at any given time will be determined by the needs of the District. Actual assessed valuations will depend upon the amount and value of taxable property within the District as determined in the assessment and the equalization process.

Dated: July 31, 2008



Pamela J. Lopez
Assistant Superintendent, Chief Financial Officer
Pomona Unified School District